

DeKalb County Board of Ethics

Thursday, April 21, 2016

3:00 p.m.

Trustee Room, Turner Lynch Campus Center

Oglethorpe University

4484 Peachtree Road NE

Atlanta, GA 30319

Minutes

Members Present:

Scott Bonder

Brian Deutsch

Greg Russell

Lawrence Schall

Robert Tatum

Dan DeWoskin

Shermanetta Carter

Board Affiliates Present:

Stacey Kalberman, Ethics Officer

Gene Chapman, Board Counsel

Attendees:

Lesli Gaither

Mark Niese

Tom Owens

Karen Bain

Stephen Binney

Terry Phillips

Rhea Johnson

I. Call to order

Lawrence Schall called the meeting to order at 3:00 p.m.

II. Welcome

Lawrence Schall welcomed attendees.

III. Adoption of the Agenda

The members reviewed the agenda. Scott Bonder made a motion to adopt the agenda and Greg Russell seconded the motion. The motion passed unanimously with a vote of 6-0.

IV. Review and Approve Meeting Minutes from February 18, 2016 and March 24, 2016

The members reviewed the minutes from the meetings held on February 18, 2016 and March 24, 2016. Scott Bonder made a motion to approve the minutes from both meetings and Greg Russell seconded the motion. The motion passed unanimously with a vote of 6-0. Dan DeWoskin arrived after the vote.

V. Unfinished Business

A. Reports

Stacey Kalberman discussed the issue of whether the Board maintains jurisdiction over respondents to ethics complaints after an official, officer, or employee leaves employment with the County. Scott Bonder made a motion to assert jurisdiction over a respondent as long as the Board had jurisdiction at the time the complaint was filed. Greg Russell seconded the motion. The motion passed unanimously with a vote of 7-0.

Stacey Kalberman also discussed the matters in which a respondent has been convicted of a crime and options to proceed in those situations. In particular, a jury found Burrell Ellis guilty and Robert Lundsten entered a plea of guilty. Ms. Kalberman presented the option of disposing of a complaint by issuing a censure based on the conviction. Scott Bonder noted that it would only be appropriate in a situation involving a plea of guilty. The Board directed Ms. Kalberman to table the Ellis complaint while it is on appeal, draft a censure in the Lundsten matter which the Board will consider at its next meeting, and proceed with investigation of the remaining matters.

VI. New Business.

- A. Michelle Bolding against Olympic Auto Sales. Stacey Kalberman reported that the allegations on the face of the complaint do not show any possible violation of the Code of Ethics and the respondent is not an employee or official of the County. Robert Tatum made a motion to dismiss for lack of jurisdiction and Dan DeWoskin seconded the motion. The motion passed with a vote of 7-0.
- B. Jane Cunningham against Officer J. Brown. Ms. Kalberman stated that the allegations on the face of the complaint do not show a violation of the Code of Ethics and she could not determine the identity of Officer J. Brown. Dan DeWoskin made a motion to dismiss for lack of jurisdiction and Scott Bonder seconded the motion. The motion passed with a vote of 7-0.
- C. William Perry against Commissioner Sharon Barnes Sutton. Ms. Kalberman discussed the Order of the Court in the Commissioner's lawsuit against the Board which estops the Board from proceeding against Ms. Sutton. The Board directed Ms. Kalberman to give notice to Ms. Sutton's attorney regarding the complaint.
- D. Ms. Kalberman has sent notice to the other respondents regarding the new complaints.

VII. Board governance.

- A. Proposed budget for 2016. The Board's annual budget has been increased to \$300,000. Stacey Kalberman discussed a proposed budget regarding her plans to operate the office. Ms. Kalberman stated that she is in the process of obtaining three bids for website development and three bids for the establishment of a learning center. Greg Russell made

a motion to adopt the proposed budget as a working budget. Robert Tatum seconded the motion and the motion passed with a vote of 7-0.

- B. Stacey Kalberman stated that she will take over administration of the County's ethics hotline next week. She is also in the process of obtaining quotes for E&O insurance for the members of the Board. Ms. Kalberman also explained that she wants to require each official, officer, employee, and appointee of the County to sign a pledge to abide by the Code of Ethics. After discussion, the Board directed Ms. Kalberman to draft the pledge and present it for the Board's consideration at its next meeting.
- C. Stacey Kalberman discussed the issue of whether a complaint filed with the Ethics Officer is subject to disclosure via an open records request pursuant to the Open Records Act. It is her opinion that the materials are investigatory documents until the Board disposes of the matter through dismissal or a hearing. The Board's Rules of Procedure also support that position.

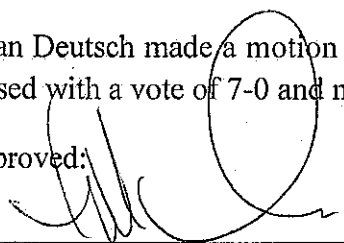
VIII. Public comment

The Chair opened the floor to attendees for public comment. Rhea Johnson, Tom Owens, Lesli Gaither, and Steve Binney made comments to the Board.

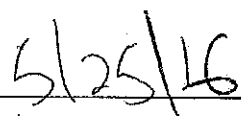
IX. Adjournment

Brian Deutsch made a motion to adjourn and Dan DeWoskin seconded the motion. The motion passed with a vote of 7-0 and meeting adjourned at 4:27 p.m.

Approved:



Chair



Date